



## HVIA Submission

Amendments to HVNL and  
Regulations

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## Background

Heavy Vehicle Industry Australia (HVIA) is the peak industry association for Australian manufacturers of trucks and trailers (collectively referred to as heavy vehicles), as well as the dealerships, repairers, suppliers, and service providers that support the entire industry. We represent almost every major truck manufacturer/importer, all of Australia's major trailer manufacturers, and an ever-growing list of their component, equipment and technology providers.

HVIA's 300-plus corporate members collectively employ a local workforce of over 70,000 staff. Our member's interests cover an extensive range of vehicles, starting with 3.5-tonne light commercial trucks, and extending all the way up to Australia's unique 50-metre long, 100-tonne road trains.

The industry provides some of the world's most efficient, safe, innovative, and technologically advanced vehicles. HVIA seeks to work with government and industry stakeholders to promote an innovative and prosperous industry that supports a safe and productive heavy vehicle fleet operating for the benefit of all Australians.

## General comments on the amendments

HVIA has conducted a review of the draft amendments and is generally of the view that the amendments are an accurate reflection of the Ministers' decisions.

HVIA did not analyse the amendments related to fatigue and accreditation in any depth because these are relatively minor issues for most of our members.

However, we did undertake a more detailed analysis of the sections related to the transfer of vehicle standards exemption, vehicle modifications, mass and dimension permits and notices, and PBS provisions to the regulations.

## Specific comments on amendments

Most of the items moved to the regulation provisions accurately reflect the original HVNL with some allowance for modernisation to allow for electronic document and similar updates.

However, HVIA is concerned with one aspect of the amendments related to information notices, and has one additional general comment about the transfer of decision making from the law to the regulations.

### **Information notices**

In transferring sections 74, 128, and 149 of the HVNL to the regulations, the requirements of all three sections appear to have been largely consolidated into 38 of the Heavy Vehicle (Mass Dimension and Loading) Regulations, with some provisions relating to multiple types of permits also going into Section 31 of the Heavy Vehicle (General) National Regulations.

Sections 74, 128 and 149 all relate to the requirement for the Regulator to issue an information notice to the applicant when a permit application has been refused. Section 74 relates to vehicle standards permits, Section 128 to mass and dimension permits (Class 1 and Class 3), and Section 149 to Class 2 permits.

The new Section 31C of the general regulations (relating to information notices) closely resembles the requirements under section 74. However, Sections 128 and 149 both have a note which refers to Section 166 of the HVNL, which appears to have been lost under Section 31C.

Section 166 of the HVNL details the contents of an information notice where the reason for the refusal of the permit is that a road manager did not give consent.

Section 166 requires that the information notice include the following:

(1) *The information notice for the decision to refuse the application given to the applicant under this Law must state the following, in addition to any other information required to be included in the information notice—*

(a) *that the road manager has refused to consent to the mass or dimension authority;*

(b) *a written statement that explains the road manager's decision to refuse to give the consent and complies with section 172;*

(c) *the review and appeal information for the road manager's decision to refuse to give the consent.*

HVIA believes this information is essential for both transparency and to ensure the applicant is aware of their rights. As a result, HVIA believes that Section 31C should include a note similar to the ones that appeared in Section 128 and 149 which draws attention to the provisions of Section 166 when the decision is related to the refusal of consent of a road manager.

### **Reviewable decisions**

HVIA also notes that many of the sections that have been moved from the legislation to the regulations involve reviewable decisions and have been removed from the list of reviewable decisions contained in Schedule 3 of the law. Section 640 of the law states that:

***reviewable decision means—***

(a) *a decision mentioned in Schedule 3; or*

(b) *a decision made under the national regulations prescribed as a reviewable decision for the purposes of this Chapter. **reviewer** means a person deciding a review of a reviewable decision under Part 11.2.*

It is not clear that all the sections removed from Schedule 3 have been prescribed as reviewable decisions under Part (b) of the above definition. HVIA is keen to ensure that all relevant decisions remain as reviewable decisions and seeks confirmation that this is the case.